

08/05/04

DAC

Atty. Dkt. No. 032026-0460

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Curtis R. BRANDT et al.

Title: PHARMACOLOGICALLY  
ACTIVE ANTIVIRAL PEPTIDES  
AND METHODS OF THEIR USE

Appl. No.: 09/777,560

Filing Date: 02/06/2001

Examiner: Unknown

Art Unit: Unknown

AUG 11 2004

CH CENTER 1600/2900

**TRANSMITTAL LETTER FOR**  
**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed please find a copy of the following documents which were initially transmitted for filing via facsimile on July 12, 2004, with a Certificate of Facsimile, to the OIPE at the U.S. PTO, at facsimile number (703) 308-7751. On July 22, 2004, the documents were again transmitted via facsimile, with another Certificate of Facsimile, this time including the required copy of the Notice of Abandonment Under 37 C.F.R. § 1.53(f) or (g), which had been inadvertently omitted from the original filing.

Enclosed are:

- A copy of the facsimile coversheet, dated July 12, 2004, transmitting the Petition to Withdraw Holding of Abandonment for filing (1 page);
- A copy of the facsimile coversheet, dated July 22, 2004, resubmitting the Petition to Withdraw Holding of Abandonment and accompanying documents with the required copy of the Notice of Abandonment (15 pages).

Applicant is resubmitting the above-listed documents because no acknowledgement of the facsimile filing has been received from OIPE Customer Service, and no indication of the

**BEST AVAILABLE COPY**

U.S. PTO's receipt of the documents is shown on the Patent Application Information Retrieval (PAIR) system.

Applicant believes no fee is due for this submission. However, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350.

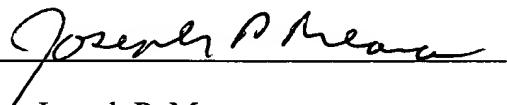
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date August 4, 2004

FOLEY & LARDNER LLP  
Customer Number: 23524  
Telephone: (608) 258-4303  
Facsimile: (608) 258-4258

By



Joseph P. Meara  
Attorney for Applicant  
Registration No. 44,932



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Curtis R. Brandt, Hermann Bultmann

Title: **PHARMACOLOGICALLY ACTIVE ANTIVIRAL PEPTIDES  
AND METHODS OF THEIR USE**

Appl. No. 09/777,560

Filing Date: 02/06/2001

Docket No.: 032026-0460

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AUG 11 2004  
TECH CENTER 1600/290K

"Express Mail" Mailing Label No.: EV 382525473 US  
Date of Deposit: August 4, 2004

I hereby certify that these attached documents

- \* Transmittal Letter for Petition to Withdraw Holding of Abandonment (2 pages)
- \* Copy of facsimile coversheet dated July 12, 2004 (1 page)
- \* Copy of facsimile coversheet dated July 22, 2004 with Petition to Withdraw Holding of Abandonment, required copy of Notice of Abandonment, and accompanying documents (15 pages)
- \* Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Enclosed for filing please find the above-referenced documents. Please indicate receipt of these documents by returning the attached postcard with the official Patent and Trademark Office receipt stamped thereon.

*Janice K. Zawacki*  
Janice K. Zawacki  
Foley & Lardner  
P. O. Box 1497  
Madison, Wisconsin 53701-1497  
(608) 257-5035

**MEMORY TRANSMISSION REPORT****COPY**

PAGE : 001  
 TIME : JUL-12-04 03:50PM  
 TEL NUMBER1: +  
 NAME : Foley & Lardner LLP Madison

FILE NUMBER : 842  
 DATE : JUL-12 03:40PM  
 TO : 2080#032026#0460#17033087751  
 DOCUMENT PAGES : 014  
 START TIME : JUL-12 03:40PM  
 END TIME : JUL-12 03:50PM  
 SENT PAGES : 014  
 STATUS : OK

**FILE COPY**

FILE NUMBER : 842      \*\*\* SUCCESSFUL TX NOTICE \*\*\*

**FOLEY**

FOLEY & LARDNER LLP  
 ATTORNEYS AT LAW  
 VEREX PLAZA  
 180 EAST GILMAN STREET  
 MADISON, WI 53703-1481  
 POST OFFICE BOX 1497  
 MADISON, WI 53701-1497  
 TELEPHONE: 608.258.5035  
 FACSIMILE: 608.258.4268  
 WWW.FOLEY.COM

**FACSIMILE TRANSMISSION**

ORIGINAL FAX TRANSMISSION WILL NOT BE SENT

Total # of Pages 13 (Including this page)

TO:	PHONE #:	FAX #:
USPTO Customer Service U.S. Patent and Trademark Office	703-308-1202	703-308-7751

From : Joseph P. Meara  
 Email Address : jmeara@foley.com  
 Sender's Direct Dial : 608.258.4303  
 Date : July 12, 2004  
 Client/Matter No : 032026-0460  
 User ID No : 2080

**MESSAGE:**

Attached for filing is a Petition to Withdraw Holding of Abandonment.

Please acknowledge receipt of this facsimile transmission by return facsimile.

Thank you.

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To:
		Janice K. Zawacki

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FAXMESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY REQUESTED TO DESTROY THE MESSAGE. IF YOU FEEL THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**COPY****MEMORY TRANSMISSION REPORT**

PAGE : 001  
 TIME : JUL-22-04 02:45PM  
 TEL NUMBER1: +  
 NAME : Foley & Lardner LLP Madison

FILE NUMBER : 135  
 DATE : JUL-22 02:29PM  
 TO : 2080#032026#0460#17033087751#  
 DOCUMENT PAGES : 015  
 START TIME : JUL-22 02:29PM  
 END TIME : JUL-22 02:45PM  
 SENT PAGES : 015  
 STATUS : OK

FILE NUMBER : 135

**\*\*\* SUCCESSFUL TX NOTICE \*\*\***

JUL 23 2004

FOLEY & LARDNER LLP *J.C.*  
 ATTORNEYS AT LAW  
 VEREX PLACE  
 1000 KELLOGG GILMAN STREET  
 MADISON, WI 53703-1481  
 POST OFFICE BOX 1497  
 MADISON, WI 53701-1497  
 TELEPHONE: 608.257.5055  
 FACSIMILE: 608.258.4268  
 WWW.FOLEY.COM

**FOLEY****FACSIMILE TRANSMISSION****ORIGINAL FAX TRANSMISSION WILL NOT BE SENT****Total # of Pages 15 (including this page)**

TO:	PHONE #:	FAX #:
USPTO Customer Service U.S. Patent and Trademark Office	703-308-1202	703-308-7751

From : Joseph P. Meara  
 Email Address : jmeara@foley.com  
 Sender's Direct Dial : 608.258.4303  
 Date : July 22, 2004  
 Client/Matter No : 032026-0460  
 User ID No : 2080

**MESSAGE:**

We are resubmitting the attached Petition to Withdraw Holding of Abandonment, originally filed by facsimile on July 12, 2004, along with the required copy of the Notice of Abandonment Under 37 C.F.R. 1.53(f) or (g).

Please acknowledge receipt of this facsimile transmission by return facsimile.

Thank you.

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To:
		Janice K. Zawacki

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT AND MAY NOT BE REVEALED TO ANYONE ELSE. THIS MESSAGE MAY BE READ BY OTHER THAN THE INTENDED RECIPIENT. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Curtis R. BRANDT et al.

Title: PHARMACOLOGICALLY  
ACTIVE ANTIVIRAL  
PEPTIDES AND METHODS OF  
THEIR USE

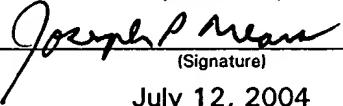
Appl. No.: 09/777,560

Filing Date: 02/06/2001

Examiner: Unknown

Art Unit: Unknown

Atty Dkt No. 032026-0460

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to OIPE Customer Service, United States Patent and Trademark Office, to fax number (703) 308-7751.	
<u>Joseph P. Meara</u> (Printed Name)	
 (Signature)	
July 12, 2004 (Date of Deposit)	

AUG 11 2004  
1304289

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Request is hereby respectfully made in accordance with 37 C.F.R. § 1.181 that the holding of abandonment for the above-referenced patent application (hereafter the "Application") be withdrawn.

Applicants received a Notice of Abandonment, mailed June 9, 2004, and received by Applicants on June 18, 2004, indicating that the above-referenced Application was abandoned for failure to timely reply to the Notice of Missing Parts. It is hereby requested that the holding of abandonment be withdrawn on the grounds that Applicants did in fact timely file the Missing Parts on August 24, 2001. Thus, the Application could not be abandoned for failure to timely respond to the Notice of Missing Parts.

In accordance with the instructions accompanying the Notice of Abandonment, a true copy of the originally filed reply to the Notice of Missing Parts and a properly itemized date-stamped postcard receipt is submitted herewith. The postcard receipt shows that the Reply to Missing Parts was filed August 24, 2001, and received by OIPE at the Patent and Trademark Office on August 27, 2001. Applicants further note that of the submitted documents, the Transmittal of Missing Parts and the Petition for Extension of Time each contain a certificate of mailing in compliance with 37 C.F.R. § 1.8(a). Applicants' representative submits that these signed certificates of mailing further corroborate the filing date of August 24, 2001, for responding to the Notice to File Missing Parts.

Thus, Applicants respectfully request that the holding of abandonment be withdrawn and that the Application be examined in due course.

Because the abandonment was not due to an error by Applicant, it is submitted that no fee should be due for withdrawal of the holding of abandonment. Nonetheless, if it is determined that a fee is required with regard to this Petition, the Commissioner is hereby authorized to charge Deposit Account No. 05-2350.

Respectfully submitted,

Date July 12, 2004

FOLEY & LARDNER LLP  
Customer Number: 23524  
Telephone: (608) 258-4272  
Facsimile: (608) 258-4258

By Joseph P. Meara

Joseph P. Meara  
Attorney for Applicant  
Registration No. 44,932


**COF**
**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/TITLE
09/777,560	02/06/2001	Curtis R. Brandt	032026-0460

**CONFIRMATION NO. 8196**
**ABANDONMENT/TERMINATION  
LETTER**


\*OC000000012906353\*

23524  
**FOLEY & LARDNER**  
 150 EAST GILMAN STREET  
 P.O. BOX 1497  
 MADISON, WI 53701-1497

AUG 11 2004  
 TECHNICAL SERVICES  
 1 2004  
 0303

Date Mailed: 06/09/2004

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/10/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*M. Young*  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



THE U.S. PATENT AND TRADEMARK OFFICE  
OFFICIAL MAILROOM STAMP AFFIXED HERETO  
ACKNOWLEDGES RECEIPT OF THE ITEMS  
CHECKED BELOW:

MAILED VIA FIRST CLASS MAIL

Serial No.: 09/777,560

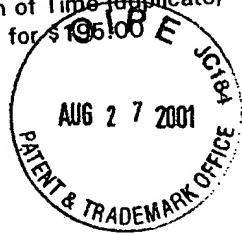
Applicants: Curtis J. BRANDT et al.

Filed: February 6, 2001

Title: PHARMACOLOGICALLY ACTIVE  
ANTIVIRAL PEPTIDES AND METHODS  
OF THEIR USE

Date Mailed: August 24, 2001

- Copy of Notice to File Missing Parts
- Transmittal of Missing Parts (duplicate)
- Signed Declaration and Power of Attorney
- Check (No. 591026) for \$420.00
- Petition for Extension of Time (duplicate)
- Check (No. 591027) for \$195.00



DOCKET NO.: 032026-0460 Atty.: MAK

AUG 11 2004  
RECEIVED  
U.S. PATENT & TRADEMARK OFFICE

20

THE U.S. PATENT AND TRADEMARK OFFICE  
OFFICIAL MAILROOM STAMP AFFIXED HERETO  
ACKNOWLEDGES RECEIPT OF THE ITEMS  
CHECKED BELOW:

MAILED VIA FIRST CLASS MAIL

Serial No.: 09/777,560

Applicants: Curtis J. BRANDT et al.

Filed: February 6, 2001

Title: PHARMACOLOGICALLY ACTIVE  
ANTIVIRAL PEPTIDES AND METHODS  
OF THEIR USE

Date Mailed: August 24, 2001

THIS DOCUMENT IS VOID IF COLORED BACKGROUND DOES NOT APPEAR ON THE FACE

**NO. 591026**

FOLEY & LARDNER  
Fristar Center  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

DATE Aug 14, 2001

0750-00022

AMOUNT

\*\*\*\*\*420.00

FIRSTSTAR  
Fristar Bank Milwaukee, N.A.

*John J. Brink*

CHECKS OVER \$15,000 REQUIRE TWO SIGNATURES

PAY TO THE ORDER OF  
COMMISSIONER OF PATENTS

THIS DOCUMENT IS VOID IF COLORED BACKGROUND DOES NOT APPEAR ON THE FACE

**NO. 591027**

FOLEY & LARDNER  
Fristar Center  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

DATE Aug 14, 2001

0750-00022

AMOUNT

\*\*\*\*\*195.00

FIRSTSTAR  
Fristar Bank Milwaukee, N.A.

*John J. Brink*

CHECKS OVER \$15,000 REQUIRE TWO SIGNATURES

PAY TO THE ORDER OF  
COMMISSIONER OF PATENTS



Atty. Dkt. No. 032026-0460

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: **Curtis R. BRANDT et al.**

Title: **Pharmacologically Active Antiviral Peptides and Methods of Their Use**

Appl. No.: **09/777,560**

Filing Date: **02/06/2001**

Examiner:

Art Unit:

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<b>Mark A. Kassel</b> (Printed Name)	
 (Signature)	
<b>August 24, 2001</b> (Date of Deposit)	

**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed on 5/10/2001, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

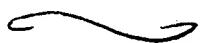
- Declaration and Power of Attorney (4 pages)
- Copy of Notice to File Missing Parts (Part 2 of Form PTO-1533)
- Check in the amount of \$420.00 in payment of surcharge fee  
(37 C.F.R. § 1.16(e))
- Other: Petition for Extension of Time  Check in the amount of  
\$195.00
- Please charge Deposit Account No. 06-1447 in the amount of        in  
payment of surcharge fee (37 C.F.R. § 1.16(e))

*AUG 11 2001*

*Hand delivered by [signature]*

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

By 

Mark A. Kassel  
Attorney for Applicant  
Registration No. 38,200

Date August 24, 2001

FOLEY & LARDNER  
150 East Gilman Street  
P. O. Box 1497  
Madison, Wisconsin 53701-1497  
Telephone: (608) 258-4272  
Facsimile: (608) 258-4258



Atty. Dkt. No 032026-0460

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Curtis R. BRANDT et al.

Title: Pharmacologically Active Antiviral Peptides and Methods of Their Use

Appl. No.: 09/777,560

Filing Date: 02/06/2001

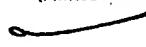
Examiner:

Art Unit:

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.

Mark A. Kassel

(Printed Name)



(Signature)

August 24, 2001

(Date of Deposit)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby petitions the Commissioner under 37 C.F.R. §1.136(a) for a two-month extension of time for response in the above-identified application for the period required to make the attached response timely.

The extension fee for response within the second month is \$195.00. A check for this amount is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

By 

Date August 24, 2001

FOLEY & LARDNER  
150 East Gilman Street  
P. O. Box 1497  
Madison, Wisconsin 53701-1497  
Telephone: (608) 258-4272  
Facsimile: (608) 258-4258

Mark A. Kassel  
Attorney for Applicant  
Registration No. 38,200



Atty. Dkt. No. 032026-0460

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Pharmacologically Active Antiviral Peptides and Methods of Their Use**

**(Attorney Docket No. 032026-0460)**

the specification of which (check one)

is attached hereto.

was filed on 02/06/2001 as United States Application Number or PCT International Application Number 09/777,560 and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/180,823	02/07/2000
60/184,057	02/22/2000

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

SCOTT D. ANDERSON	Reg. No. 46,521
RUSSELL J. BARRON	Reg. No. 29,512
DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
EDWARD W. BROWN	Reg. No. 22,022
CHARLES G. CARTER	Reg. No. 35,093
ALISTAIR K. CHAN	Reg. No. 44,603
JOHN C. COOPER III	Reg. No. 26,416
JEFFREY N. COSTAKOS	Reg. No. 34,144
WILLIAM J. DICK	Reg. No. 22,205
HARRY C. ENGSTROM	Reg. No. 26,876
BERNARD P. FRIEDRICHSEN	Reg. No. 44,689
BARRY L. GROSSMAN	Reg. No. 30,844
JEFFREY S. GUNDERSEN	Reg. No. 47,619
PAUL S. HUNTER	Reg. No. 44,787
MARK A. KASSEL	Reg. No. 38,200
KATHERINE D. LEE	Reg. No. 44,865
KENNETH G. LEMKE	Reg. No. 47,746
KEITH D. LINDENBAUM	Reg. No. 40,365
DAVID G. LUETTGEN	Reg. No. 39,282
PETER J. MANGHERA	Reg. No. 40,080
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
TODD A. RATHE	Reg. No. 38,276
M. REED STAHELI	Reg. No. 47,959
CHRISTOPHER M. TUROSKI	Reg. No. 44,456
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

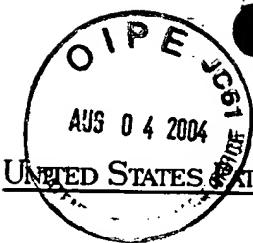
Mark A. Kassel  
FOLEY & LARDNER  
150 East Gilman Street  
P. O. Box 1497  
Madison, Wisconsin 53701-1497

Telephone: (608) 258-4272  
Facsimile: (608) 258-4258

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Curtis R. BRANDT
Residence	Stoughton, Wisconsin
Citizenship	United States of America
Post Office Address	416 Nottingham Road Stoughton, Wisconsin 53589
Inventor's signature	<i>Curtis R. Brandt</i>
Date	<i>August 8, 2001</i>
Name of second inventor	Hermann BULTMANN
Residence	Madison, Wisconsin
Citizenship	United States of America
Post Office Address	225 Corry Street Madison, Wisconsin 53704
Inventor's signature	<i>Hermann Bultmann</i>
Date	<i>Aug. 6. 2001</i>



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/777,560	02/06/2001	Curtis R. Brandt	032026-0460

## CONFIRMATION NO. 8196

## FORMALITIES LETTER



\*OC000000006062434\*

Mark A. Kassel  
 FOLEY & LARDNER  
 150 East Gilman Street  
 P.O. Box 1497  
 Madison, WI 53701-1497

Date Mailed: 05/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, a request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

DOCKETED

BY

CEO

DATE 5/21/01

TICKLER

BY

SW

DATE 5/21/01

Missing parts

RECEIVED  
 FEB 1 2001 Foley & Lardner  
 150 E. Gilman Street  
 Madison, WI 53701-1497

MAY 21 2001

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

Atty. Dkt. No. 032026-0460

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

---

Pharmacologically Active Antiviral Peptides and Methods of Their Use

---

(Attorney Docket No. 032026-0460)

---

the specification of which (check one)

is attached hereto.

was filed on 02/06/2001 as United States Application Number or PCT International Application Number 09/777,560 and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

Atty. Dkt. No. 032026-04.

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/180,823	02/07/2000
60/184,057	02/22/2000

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

Atty. Dkt. No. 032026-0460

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

SCOTT D. ANDERSON	Reg. No. 46,521
RUSSELL J. BARRON	Reg. No. 29,512
DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
EDWARD W. BROWN	Reg. No. 22,022
CHARLES G. CARTER	Reg. No. 35,093
ALISTAIR K. CHAN	Reg. No. 44,603
JOHN C. COOPER III	Reg. No. 26,416
JEFFREY N. COSTAKOS	Reg. No. 34,144
WILLIAM J. DICK	Reg. No. 22,205
HARRY C. ENGSTROM	Reg. No. 26,876
BERNARD P. FRIEDRICHSEN	Reg. No. 44,689
BARRY L. GROSSMAN	Reg. No. 30,844
JEFFREY S. GUNDERSEN	Reg. No. 47,619
PAUL S. HUNTER	Reg. No. 44,787
MARK A. KASSEL	Reg. No. 38,200
KATHERINE D. LEE	Reg. No. 44,865
KENNETH G. LEMKE	Reg. No. 47,746
KEITH D. LINDENBAUM	Reg. No. 40,365
DAVID G. LUETTGEN	Reg. No. 39,282
PETER J. MANGHERA	Reg. No. 40,080
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
TODD A. RATHE	Reg. No. 38,276
M. REED STAHELI	Reg. No. 47,959
CHRISTOPHER M. TUROSKI	Reg. No. 44,456
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Mark A. Kassel  
FOLEY & LARDNER  
150 East Gilman Street  
P. O. Box 1497  
Madison, Wisconsin 53701-1497

Telephone: (608) 258-4272  
Facsimile: (608) 258-4258

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

Atty. Dkt. No. 032026-0460

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Curtis R. BRANDT
Residence	Stoughton, Wisconsin
Citizenship	United States of America
Post Office Address	416 Nottingham Road Stoughton, Wisconsin 53589
Inventor's signature	<u>Curtis R. Brandt</u>
Date	<u>August 6, 2001</u>
Name of second inventor	Hermann BULTMANN
Residence	Madison, Wisconsin
Citizenship	United States of America
Post Office Address	225 Corry Street Madison, Wisconsin 53704
Inventor's signature	<u>Hermann Bulthmann</u>
Date	<u>Aug. 6. 2001</u>



FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

VEREX PLAZA  
150 EAST GILMAN STREET  
MADISON, WI 53703-1481  
POST OFFICE BOX 1497  
MADISON, WI 53701-1497  
TELEPHONE: 608.257.5035  
FACSIMILE: 608.258.4258  
WWW.FOLEY.COM

2004-07-12 03:41:28

## FACSIMILE TRANSMISSION

ORIGINAL FAX TRANSMISSION WILL NOT BE SENT

**Total # of Pages 13 (including this page)**

TO:	PHONE #:	FAX #:
OIPE Customer Service U.S. Patent and Trademark Office	703-308-1202	703-308-7751

**From :** Joseph P. Meara  
**Email Address :** jmeara@foley.com  
**Sender's Direct Dial :** 608.258.4303  
**Date :** July 12, 2004  
**Client/Matter No :** 032026-0460  
**User ID No :** 2080

### MESSAGE:

Attached for filing is a Petition to Withdraw Holding of Abandonment.

Please acknowledge receipt of this facsimile transmission by return facsimile.

Thank you.

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To:
		Janice K. Zawacki

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Curtis R. BRANDT et al.

Title: PHARMACOLOGICALLY  
ACTIVE ANTIVIRAL  
PEPTIDES AND METHODS OF  
THEIR USE

Appl. No.: 09/777,560

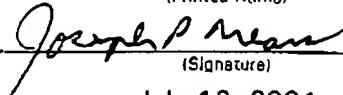
Filing Date: 02/06/2001

Examiner: Unknown

Art Unit: Unknown

Atty Dkt No. 032026-0460

100-2000

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to OIPE Customer Service, United States Patent and Trademark Office, to fax number (703) 308-7751.	
<hr/> Joseph P. Meara	
(Printed Name)	
	
(Signature)	
<hr/> July 12, 2004	
(Date of Deposit)	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Request is hereby respectfully made in accordance with 37 C.F.R. § 1.181 that the holding of abandonment for the above-referenced patent application (hereafter the "Application") be withdrawn.

Applicants received a Notice of Abandonment, mailed June 9, 2004, and received by Applicants on June 18, 2004, indicating that the above-referenced Application was abandoned for failure to timely reply to the Notice of Missing Parts. It is hereby requested that the holding of abandonment be withdrawn on the grounds that Applicants did in fact timely file the Missing Parts on August 24, 2001. Thus, the Application could not be abandoned for failure to timely respond to the Notice of Missing Parts.

Serial No.: 09/777,560

In accordance with the instructions accompanying the Notice of Abandonment, a true copy of the originally filed reply to the Notice of Missing Parts and a properly itemized date-stamped postcard receipt is submitted herewith. The postcard receipt shows that the Reply to Missing Parts was filed August 24, 2001, and received by OIPE at the Patent and Trademark Office on August 27, 2001. Applicants further note that of the submitted documents, the Transmittal of Missing Parts and the Petition for Extension of Time each contain a certificate of mailing in compliance with 37 C.F.R. § 1.8(a). Applicants' representative submits that these signed certificates of mailing further corroborate the filing date of August 24, 2001, for responding to the Notice to File Missing Parts.

Thus, Applicants respectfully request that the holding of abandonment be withdrawn and that the Application be examined in due course.

Because the abandonment was not due to an error by Applicant, it is submitted that no fee should be due for withdrawal of the holding of abandonment. Nonetheless, if it is determined that a fee is required with regard to this Petition, the Commissioner is hereby authorized to charge Deposit Account No. 05-2350.

Respectfully submitted,

Date July 12, 2004

FOLEY & LARDNER LLP  
Customer Number: 23524  
Telephone: (608) 258-4272  
Facsimile: (608) 258-4258

By Joseph P. Meara

Joseph P. Meara  
Attorney for Applicant  
Registration No. 44,932

THE U.S. PATENT AND TRADEMARK OFFICE  
OFFICIAL MAILROOM STAMP AFFIXED HERETO  
ACKNOWLEDGES RECEIPT OF THE ITEMS  
CHECKED BELOW:

MAILED VIA FIRST CLASS MAIL

Serial No.: 09/777,560

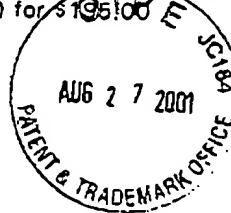
Applicants: Curtis J. BRANDT et al.

Filed: February 6, 2001

Title: PHARMACOLOGICALLY ACTIVE  
ANTIVIRAL PEPTIDES AND METHODS  
OF THEIR USE

Date Mailed: August 24, 2001

- Copy of Notice to File Missing Parts
- Transmittal of Missing Parts (duplicate)
- Signed Declaration and Power of Attorney
- Check (No. 591026) for \$420.00
- Petition for Extension of Time (duplicate)
- Check (No. 591027) for \$195.00



DOCKET NO.: 032026-0460 Atty.: MAK

CD

THE U.S. PATENT AND TRADEMARK OFFICE  
OFFICIAL MAILROOM STAMP AFFIXED HERETO  
ACKNOWLEDGES RECEIPT OF THE ITEMS  
CHECKED BELOW:

MAILED VIA FIRST CLASS MAIL

Serial No.: 09/777,560

Applicants: Curtis J. BRANDT et al.

Filed: February 6, 2001

Title: PHARMACOLOGICALLY ACTIVE  
ANTIVIRAL PEPTIDES AND METHODS  
OF THEIR USE

Date Mailed: August 24, 2001

**FILE COPY**

THIS DOCUMENT IS VOID IF COLORED BACKGROUND DOES NOT APPEAR ON THE FACE

FOLEY & LARDNER

777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

NO. 591026

0750 00022

DATE Aug 14, 2001

PAY TO: FOUR HUNDRED TWENTY AND 00/100 Dollars

PAY TO: COMMISSIONER OF PATENTS

AMOUNT  
420.00

FIRSTSTAR  
Fisstar Bank Milwaukee, N.A.

*Tom J. Biddle*

CHECKS OVER \$15,000 REQUIRE TWO SIGNATURES

FOR

591026 6075000022 2031 189

THIS DOCUMENT IS VOID IF COLORED BACKGROUND DOES NOT APPEAR ON THE FACE

FOLEY & LARDNER

777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

NO. 591027

0750 00022

DATE Aug 14, 2001

PAY TO: ONE HUNDRED NINETY FIVE AND 00/100 Dollars

PAY TO: COMMISSIONER OF PATENTS

AMOUNT  
195.00

FIRSTSTAR  
Fisstar Bank Milwaukee, N.A.

*Tom J. Biddle*

CHECKS OVER \$15,000 REQUIRE TWO SIGNATURES

Atty. Dkt. No. 032026-0460

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Curtis R. BRANDT et al.

Title: Pharmacologically Active Antiviral Peptides and Methods of Their Use

Appl. No.: 09/777,560

Filing Date: 02/06/2001

Examiner:

Art Unit:

JUL 23 2001

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
Mark A. Kassel	
(Printed Name)	
	
(Signature)	
August 24, 2001	
(Date of Deposit)	

**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**Commissioner for Patents  
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed on 5/10/2001, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

- Declaration and Power of Attorney (4 pages)
- Copy of Notice to File Missing Parts (Part 2 of Form PTO-1533)
- Check in the amount of \$420.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))
- Other: Petition for Extension of Time  Check in the amount of \$195.00
- Please charge Deposit Account No. 06-1447 in the amount of \_\_\_\_\_ in payment of surcharge fee (37 C.F.R. § 1.16(e))

Atty. Dkt. No. 032026-0460

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date August 24, 2001

By 

FOLEY & LARDNER  
150 East Gilman Street  
P. O. Box 1497  
Madison, Wisconsin 53701-1497  
Telephone: (608) 258-4272  
Facsimile: (608) 258-4258

Mark A. Kassel  
Attorney for Applicant  
Registration No. 38,200

Atty. Dkt. No 032026-0460

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***Applicant: **Curtis R. BRANDT et al.**Title: **Pharmacologically Active Antiviral Peptides and Methods of Their Use**Appl. No.: **09/777,560**Filing Date: **02/06/2001**

Examiner:

Art Unit:

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
Mark A. Kassel	
(Printed Name)	
	
(Signature)	
August 24, 2001	
(Date of Deposit)	

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby petitions the Commissioner under 37 C.F.R. §1.136(a) for a two-month extension of time for response in the above-identified application for the period required to make the attached response timely.

The extension fee for response within the second month is \$195.00. A check for this amount is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date August 24, 2001By 

FOLEY & LARDNER  
150 East Gilman Street  
P. O. Box 1497  
Madison, Wisconsin 53701-1497  
Telephone: (608) 258-4272  
Facsimile: (608) 258-4258

Mark A. Kassel  
Attorney for Applicant  
Registration No. 38,200



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/777,560	02/06/2001	Curtis R. Brandt	032026-0460

CONFIRMATION NO. 8196

## FORMALITIES LETTER



\*OC000000006062434\*

Mark A. Kassel  
 FOLEY & LARDNER  
 150 East Gilman Street  
 P.O. Box 1497  
 Madison, WI 53701-1497

Date Mailed: 05/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, a request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

DOCKETED *CEO* DATE *5/21/01*  
 BY *CE*  
 TICKLER *SL* DATE *5/21/01*  
 BY *SL*

MAY 21 2001

RECEIVED  
 Foley & Lardner  
 5/21/01

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

---

*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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